App F IX 4

Previous References

1946 47
(mt)

File No 69-46
Serial Nos 5-8

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos four

Part B for 5/12/47

SUBJECT

Municipal licenses for electric motors installed in the (1) Bangalore woollen cotton and silk mills (11) Mysore Spinning and manufacturing Co Ltd (111) Minerva mills B'lore - claiming exemption from payment of taxes to the municipality

1341 ~~1260~~

Letter dated 9-8-46 from the Secretary, The Bangalore Woollen, Cotton and Silk Mills, Bangalore requesting orders on their letter dated 3-4-1941 addressed to the II Member of Council, directing the City Municipality to hold in abeyance the demand for the license fee on power driven machinery

Letter dated 8-8-46, from the Secretary, The Mysore Spinning and Manufacturing Co Ltd requesting orders on their similar petition dated 3rd April, 1941 addressed to the then II Member of Council

1) The previous reference on the subject is not traceable

2) Mr K KS — Pl trace & put up the connected references

27/8 2/9/46

3) A search was made for the file and it is not traceable

4) Submitted with a draft Circular calling for a report from the Municipal Council

Revised 28/10/46

5) Issued

29/10/46

To

The Municipal Court of the
L. J. Township of 2 9-10-44
calls for a show-

See A =

The Bangalore Woollen, Cotton & Silk Mills Co , Ltd

Telegraphic Address
WOOLLEN BANGALORE

Bangalore City 30th October *194* 6

The Revenue Secretary to the
Government of Mysore,
BANGALORE

Dear Sir,

Municipal Licences for Electric Motors installed in the Mills

Our friends the Minerva Mills Ltd , have passed on to us a copy of their letter to you of 29th October 1946

We have also received a fresh demand for the payment of Licence fees from the Health Officer, Bangalore City Municipality, by his letter of 17th October and as the amount involved is large, we pray that Government will be pleased to direct the Municipality to stay further action against us until our joint memorial is disposed of by Government

Yours faithfully,
For The Bangalore Woollen Cotton & Silk Mills Co Ltd
Secretaries and on behalf of
BINNY & CO. (MADRAS) LTD

JOINT SECRETARIES & TREASURERS

EJ

6) Send with a draft D-O reminder
to the Municipal Town Clerk

4/11
5/11

7) 1) Issue advice
by W/L instructing auth-
letter to be sent also

To The Municipal Town Clerk 4/11/41

L 5570 dated 6-11-41

Directs that further action in this case
be stayed pending receipt of the report
and orders thereon

3202 / 3131 / 3132

9 A draft letter to the authorities of the above two companies is submitted

to approve thereof

6/11/46

6/11

To The Secy — Minerva & Nerbudda Mills

SB 42 - 3 of 7-11-46

Stating that the question is

regarding the alteration of Gat-

-ram Municipal Town to the

HS.C.678 of 19-11-46

stating that in the interest of municipal

revenue, the representation of the authorities of

the 1) Barcalore Woollen Cotton and Silk Mills &

Dyeing Sheds and Manufacturing Co 2) Minerva Mills

in the matter of granting them exemption from the

obtaining license for the power driven machinery

may not be viewed favourably

11) The authorities of the above two Mills

have urged the following points

Serial No

12)

I That the levy is against the Spirit of all Municipal Law and is therefore ultra vires and illegal

As the bye law relating to the installation of the Power-driven machinery framed by the City Municipal Council has been approved by Govt in G.O. No L 3256-9/ML 70-38-3 dated 21-10-38, it is doubtful if this contention can be accepted at all

13)

II That the rates prescribed - i.e. 8 annas per H P on installations upto 5 H P and Rs 1-8-0 per H P on installations from 11 H P onwards are ill-proportioned to the objects for which such a levy could be imposed

This objection appears to be vague

14)

III That a sort of retrospective effect is being given to this levy, in respect of ancient installations erected at a time when such a levy was not contemplated

It is seen from the Head the Officers, that the levy is enforced from the year 1939-40 in accordance with the Bye laws

NOTE —Contn Sheet

38385 | 26 0

File No of 194 | General and Revenue Secretariat

Serial No

Forwarded by Govt.

15) Points for orders.

To exempt the above 3 Mills from taking out licenses in respect of the power driven machinery

16) Please obtain the following information from the Govt. Madras:-

1) The names of factories which have been taking out licenses in Madras as per existing bylaws

2) The sum furnished by way of license fee from

3) Amount collected by each of them during the last four years by way of

4) The horse power used by each factory

5) Whether any exemptions have been allowed to factories in respect

6) Whether there is any provision in the Madras Mills Act 37 of 1934 for exempting cases from being charged license fee

7) What is the practice or rule in this respect viz to cases being exempted with reference to Madras Act 2

3/7/46

17) A draft letter is submitted

Approved

4/12

T. M. Cox
Examd 7-12-46

4/12/46

WD 038 4—GPB—15 000—20-7 46

3838 of 1945

From the Municipal Commissioner Bangalore City

C 6978 dt 1-5-47

Furnishes the required particulars

Municipal license for Electric Motors

installed in the Bangalore Woollen Cotton and

Silk Mills & Mysore Spinning & Manufacturing Co Ltd Minerva Mills Bangalore

1) The particulars referred to in para 16

Supra are furnished in the tabular Statement

Flag A'

2) It is reported that no Exemption has

so far been made in this respect by the

Bangalore City Municipal Council

3) It is seen, that large mills like the

Buckingham and Carnatic Mills and similar

mills have taken out licenses from the Corporation

of Madras

Draft detailed note on the facts of the

case as necessary pl bring up for

further orders & put the file with 70-38 30

available and for 10/7/47

v3 Under the existing Byelaws of the Bangalore city Municipality which have been approved by the Govt the rate of license fee levied on such of the items of the Offensive trades as are carried on with the help of an electric motor ~~are~~ is noted below

upto 5 H P ——	8 annas per H P
upto 10 H P ——	Re 1- per H P
From 11 H P onwards ——	Rs 1-8-0- "

---

v4 It is seen that about 10 of Factories in Bangalore city have taken out licences in accordance with the existing Byelaws of the city Municipality and that an income of Rs 18581-8-0- has been realised under this head for the last five years

25) The authorities of the

under mentioned three big mills of Bareilly City who use motors aggregating to more than 1000 - H P each have requested the govt to exempt them from payment of License Fees to the Municipality on the following grounds —

1) That the levy is against the spirit of all Municipal Law and is therefore ultra vires and illegal

2) That the rates prescribed in the bye laws are ill-proportioned to the objects for which such a levy could be imposed

3) That a sort of retrospective effect is being given to this levy in respect of ancient installations erected at a time when such a levy was not contemplated

26) The levy in question is enforced by

the City Municipality, from the year 1939-40 in accordance with the Bye Laws ~~for~~ approved by the Govt. The amount due to the Municipality from the year 1939-40 to ending 1946-47 noted below:—

	Rs
Binny Mills —	49,404-8-0
Raja Mills —	20,844-8-0
Minerva Mills —	15,828-8-0
Net Rs	7,7,077 8-

27) The Municipal Town has stated that in the interest of municipal revenue no exemption need be granted to the above Mills from obtaining licence for the power driven machines. It is also reported that large mills like the Buckingham and Carnatic Mills and similar mills have taken out licences from the

Corporation of Madras and that no exemptions are made in this respect so far by the Bangalore City Municipality

29) In this office letter No. J 5560 dated 6-11-46 the Municipal Town was directed to stay further action in this case

30) Points for orders

1) to exempt the above 3 mills from taking out licenses in respect of the power-driven machinery installed by them

and

2) to direct the City Municipality to withdraw its demand against these mills

Weaving notes for personal

In Para 15/7 31) It will be seen from the list furnished by the M.L. Contr., however that out of 104 mills or factories taken out licenses 101 factories have paid the demand of the City

Municipality on his behalf paid up

the dues

3rd) the amounts due from these mills

on shares which have been objected against

the levy ~~court~~ Commissioners 77,077/8

for the period from 1939-40 up to and

1946 inclusive + this levy in accordance

with the bylaws appeared on this behalf by

the first for being - appeared in principle

Hence the first Cannot interfere in the matter,

unless the ~~mill~~ purpose an exemption

But it would be strong anomalous situation

if, since an exemption is made in favour of

these three mills alone the rest could

~~is~~ not in favour of granting this exemption

In the end, the appeal by the mill

contributors may have to be thrown

down

33) In view of the heavy amount involved &

the representations made by these objectors

representatives for each of the mills may

be called for & the facts explained to them

before finally declaring them liable

for rates

Reserved for 24/7/46

34) Detailed facts of the case are mentioned in paras 23 to 30 of the notes supra.

35 The main contentions of the Mills that have defaulted to pay the Cess are based on the grounds that are mentioned in the Joint-memorial which they state they have submitted to the Govt on 22.10.1962 A copy of the memorial is flagged L

36 The main grounds of objection are that that the rate of license fee is under heavy

2) That the levy such license fee which is in excess of expenses which are required for regulating & supervising the business place is no license fee but a tax for making revenue ordinary

(WD 01570—C 11—500 pads of 100 sheets each—12 2 16)

the mere power to license does not give the power to tax directly for revenue purposes A business may be licensed and yet not taxed or it may be taxed & yet not licensed

37) It is thus apparent that the present protest from the Mills has arisen on a point of principle — They seem to consider that the present license fee is no no license fee but a tax. in reality

38) Both it is quite obvious from the records & the bye-laws that this by ~~is augmented~~ has been has been brought into effect with the ostensible intention of augmenting the finances of the municipality ~~has been~~ in order not only to regulate the

industrial concerns but also to make better sanitary & other health arrangements & to provide various other amenities in various areas of the city where the labour population of the above mills resides

39) According to their own averments as mentioned in the joint-memorial, the municipality is not debarred in special circumstances, in levying a license fee which may be in the nature of a tax but no license need be issued in such a case — +

40) It is obvious from the municipal commissioners' letter dated 19.11.46 that this levy is in consonance with the set object of improving the finances of the municipality. The municipal commissioners states :—

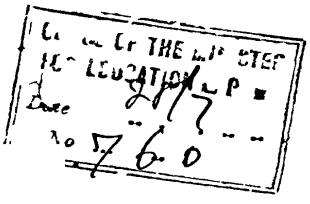
" While the owners of small industrial concerns have been paying the licence

fees. There is no reason why such big concerns which are making huge profits annually should be exempted. If such exemption is to be granted, the levy of the license fees as a whole will have to be abolished much to the prejudice of the financial interests of the municipality resulting in a total annual loss of Rs 20 to 25 thousands.

41) After all, the annual tax or license fee that these three concerns - viz Binny Mills, Raja Mills & Minerva Mills are expected to pay ranges between Rs 5000/- to about Rs 2000/- per annum according to the business of each mill. While all the other business concerns have been paying this license fee, it is neither proper nor appropriate on the part of these three most important Concerns of the city -

to have failed so long to fall in line with those other concerns & to pay off their dues without any demur. These concerns will be failing in their civic duty if they fail to lend their cooperation to the municipality.

42) It is therefore desirable to ask these concerns to pay off their dues ~~are~~ that are in arrears hitherto, & in case they feel that the present levy is in any way excessive & to take up the matter with the municipal authorities for further consideration as Govt cannot interfere in the matter without a recommendation from the municipal council Rs 77,077-8- are due from the above mills from 1939-40.



Ministers Edn & PH

43) 29/7/49

28/7/49

44) Dept reply 30/7/49

9145
4

45 Secretary with a draft letter for approval

Reminder for 11/8/47

46 Issued 17/8/47

To The Secretary to the Mills 18/8/47
" Manager
2984-72 of 21-8-47

Yours in shirtsleeves accordingly

From the Agents and Secretary -
The Barcalore Woollen Cotton
Silk Mills, Ltd
Letter of 27-8-47

Invites reference to this office letter No L2984-71 dated 21-8-47 and states that they had submitted a memorial to Govt on 22-10-40 - forwarded therewith the Bye Laws framed by the City Municipality in this behalf and that they requested Govt to stay further action pending consideration of proposal in the memorial.

TYPING SECTION
19 AUG 1947
GOVT. OF INDIA

9169 5 1219

47) Reverse Secretary's orders

that this matter has already been disposed of verbally and further on a suitable endorsement for approval"

Vide s 44
286

48) Submit with a draft reply to the Authorities of the above Company

49) Refer Rules 34 to 46 Subsidiary

1/9 JP

1290 & 1305

m

From the Secretary

1) The Mysore Spinning & Manufacturing Co to the
3) The Minerva Mills Ltd Bangalore
Letter dt 2-9-47

States that their Contention was that the
levy of license fee on electric installations by the
Bangalore City Municipality was ultra vires and
that until their memorial is disposed of
there is no occasion for the enforcement of
the said Bye-law

Both the Contentions raised by the
above Companies have been examined in
detail (vide paras 11 to 16 supra)

Subject to consideration of all

Serial No

the aspects of the question the Company was directed to pay up the arrears

52 The Secretary of the above Companies will again be asked to pay up the arrears

53 A draft letter is put up.

Refer paras 34 to 46 Ante.

16/9 Jdl 16/9/47

for orders

already 23/9 Jdg

for app?

Minister (Edn & Pth) ~~Defence & Pth~~

JHA 29/9/47

8 26/9 (47)

Jdg 26/9 Jdg

8 30/9

Judge under the Secy's signature 30/9 Jdg

To

The Secy — Madura Mills

" Shri — Madras 9

" Western Cotton & Silk Mills Ltd 10102-4 — 6-10-47

Directs the company to pay up the Bills.

Secretariat 26/9 2214 1947

NOTE—Cover Sheet

MI 69-46-5

THE MYSORE SPG & MFG. CO. LTD.

(Regd Office —70 FORBES STREET FORT BOMBAY)

Managing Agents
SIRUR & Co Ltd

elegrams CHAMUNDI
Bangalore & Bombay
Telephone 2010

Ref. No. MSM/Sc/13/454/46 Bangalore August 8, 1946

BGM & RW SECRETARIAT
1260
16 AUG 1946
L.S. Department

The Secretary,
Local Self Government Department,
Government of Mysore,
Bangalore

Sir,

On or about the 22nd October 1940 we submitted a memorial concerning certain bye-laws framed by the Bangalore City Municipality under Section 51(i)(b)(vii) of the Mysore City Municipal Act of 1933, whereby, inter-alia, it was made obligatory on every owner of a place used for the installation of power driven machinery to take out a license in respect of the installation on payment of a fee at a very high rate

By our letter dated the 3rd April 1941 addressed to the then 2nd Member in Council who was in charge of the Local Self-Government portfolio, we prayed that the Municipality may be directed to hold the demand for the license fee in abeyance pending orders from the Government on our memorial Our subsequent enquiry showed that the matter was under correspondence between the Government and the City Municipality Though no orders were communicated to us the fact that the Municipality did not make a fresh demand in the course of the last five years led us to believe that our contentions were upheld by the Government and that instructions were issued to the Municipality to withdraw the demand and exonerate large industrial concerns like us from the operation of the bye-laws in question, or in any case to keep the question open until the final orders of the Government on our memorial were passed

As stated above for the past five or six years the Municipality had made no fresh demands Recently the Municipal Health Officer has renewed the demand by his letter No H 3 PRP 17/46-47 dated 29th July 1946 addressed to us on pain of prosecution in the event of non-compliance On

receipt of this letter we caused enquiries to be made and learnt that no final orders of the Government had been passed in the matter

May we now be permitted, respectfully, to invite the kind attention of the Government to the memorial aforesaid and pray that final orders be passed We further pray that pending final orders instructions may kindly be issued to the City Municipality to stay all further proceedings in the matter

For ready reference, we beg to enclose copies of the memorial aforesaid and other letters referred to herein

For which act of kindness we shall ever pray

We have the honour to be,
Sir,
Your most obedient servants,
For The Mysore Spg & Mfg Co Ltd.,
SECRETARY

Encls 3

Dr. S Seshagiri Rao,
B Sc., M B B.S , D P H

Office of the Health Officer,
Bangalore City,
29th July 1946

H E P R 17/46-47

The Managing Director,
Raja Mills,
Bangalore City

Dear Sir,

I wish to bring to your kind notice that as per bye-laws framed under Sec.51(1)(b)(vii) of the City Municipalities Act and sanctioned in G O No L 3256-9/ML 70-38-30 dated 26 10.1938, no person shall use any place in Bangalore City, for the installation of machinery, driven by power except under a license obtained from the Municipal Council after paying the license fee.

From the records it is seen that you have not obtained a license from the Municipality so far and this constitutes an offence punishable under bye-laws mentioned above I therefore request you kindly to obtain the license within 30 days of the service of this ~~notice~~ letter, failing which I will be constrained to take action under Sec.51 (i)(b)(vii) and bye-laws 3 and 8 framed thereunder.

Please let me know the number of motors installed with their respective horse power The license fee is Rs 1-8-0 per H P. per year

Yours sincerely,

sd/ S Seshagiri Rao

True Copy

Bangalore, 3rd April, 1941.

Rajamantrapravina
K.V. Anantaraman, B.A.,
2nd Member in Council,
Government of Mysore,
Bangalore.

Sir,

On the 22nd October 1940, we addressed a joint memorial to the Government in the matter of the bye-law recently framed by the Bangalore City Municipality prescribing that owners of all power driven machinery shall take out licenses and prescribing also the fees for such licenses. In our said memorial we have set forth the grounds on which we, inter alia, contend that the bye-law is ultra vires and in any case ought to be rescinded as it involves very great hardship on large scale industries in Bangalore.

As no orders of the Government have been communicated to us we presume that Government have not finally disposed of the matter as yet.

The Municipality has by its letter No.C2 - 02052 dated the 24th March 1941 called upon us to take out the licenses immediately on payment of the fees.

We understand that the Municipality has already prosecuted certain owners of Power Driven Machinery for non-compliance with the bye-law and we apprehend that similar coercive processes might be put into force against us though at our instance the question is presumably under the consideration

Bangalore, 2nd April, 1941.

consideration of the Government. Any such prosecution will involve unnecessary trouble and expense to us, and we therefore request that pending disposal of our memorial by the Government the Municipality may be directed to hold the demand in abeyance.

We have the honour to be,

Sir,

Your most obedient servants,

For The Mysore Silk & Mfg Co Ltd

General Manager

For [illegible] Ltd

General Manager

[illegible] OF HIS HIGHNESS [illegible]
OF MYSORE, [illegible].

The humble Memorial of (a) The Bangalore Woollen, Cotton and Silk Mills Company, Ltd., Bangalore City, Agents, Secretaries and Treasurers, Messrs. Binny & Co., (Madras) Ltd., and (b) The Mysore Spinning and Manufacturing Company, Ltd.,and Minerva Mills, Ltd., Bangalore City, Managing Agents Messrs. M. Sirur & Company Ltd

SHOWETH RESPECTFULLY AS FOLLOWS -

Under a bye-law purporting to be framed under s. 51 (1) (b)(vii) of the Mysore City Municipalities Act of 1933 the Bangalore City Municipality has made it obligatory on every owner of a place used for the installation of Power driven machinery to take out a license in respect of the installation . license fee at a very high rate is prescribed and the owner is required to renew the license every year by paying the same fee .

Your humble memorialists submit that the levy is against the spirit of all Municipal Law and is therefore ultra vires and illegal and further that it is bound to work very great hardship on all large scale industry in the State .

Before elucidating these aspects, however, your humble memorialists respectfully invite kind attention to certain general principles of law,which, they crave leave to submit, have a material bearing on the point or points that arise for consideration .

The Power-

The power to tax pertains to the Sovereign and such power is delegated to local self-governing bodies or corporations only to the extent that is necessary to enable such bodies or corporations to efficiently discharge the functions devolving on them in regard to the sphere of Government allotted to them. Such is the scheme of all Municipal Law and administration and as your humble memorialists will presently show such is undoubtedly the scheme of the Mysore City Municipalities Act.

P. Duraswami Iyengar in his Law of Municipal Corporations in British India (second edition) at page 203 observes as follows -

" A tax must be distinguished from the fee raised from licenses and permits issued for regulating trades and occupations. The power to license and regulate particular branches of business or specified trades, occupations and other matters is what is usually called in American text books 'The Police power' and the exercise of 'police power' carries with it the power to collect a fee for the issue of licenses and permits. When authority is given to require the possession of a license as a condition for carrying on a particular trade, a reasonable fee to cover probable expenses may be demanded. But the exaction of sums in excess of such expenses and graduated by the amount of business done, can be nothing else than a tax upon such business. License fee for carrying on a business or vocation is a tax when revenue is the main object for which it is imposed. Ordinarily the mere power to license does not give the power to tax distinctly

for revenue-

for revenue purposes. business may be licensed and yet not taxed or it may be taxed and yet not licensed".

In 94 U.S. 113 it was decided as follows

" The police power on the other hand is not a taking of private property for public use but a salutary restraint on a noxious use by the owner contrary to the maxim sic Utero tuo ut alinum non Laedas

In Abbott on Corporations, Vol. 1 pp. 672,630, 635, etc., it is stated as follows -

The power to tax is also restricted to corporate purposes. Corporate purposes are such purposes and such only as are germane to the objects of the corporation or the municipality, at least such as have a connection with these objects and manifest relation thereto

The relevant provision of the Mysore City Municipalities Act also reads as follows -

S. 51 (1). " Every municipal council may from time to time with the previous sanction of the Government make, alter or rescind bye-laws, not inconsistent with this Regulation, etc.

(b)(vii). For any purpose for which the taking out of a license is or may be prescribed ,

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom".

It will be clear from the above clause that the power of the Municipality to grant licenses corresponds to its duty defined in the last sub-section,

viz the -

viz the inspection and regulation of the conduct of business so as to secure cleanliness therein or minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom. It would follow from this that a license fee which the Municipality may prescribe for the license must bear some reasonable proportion to the expense that is likely to be incurred by the Municipality in the discharge of such duties.

Your humble memorialists respectfully submit that, tested in the light of these principles, the levy now sought to be imposed is clearly illegal and ultra vires.

The fee prescribed is -

3 annas per horse Power on installations up to 5 H.P.
No.1 " " " " " " " 10 "
Rs.1-8-0 " " " " " from 11 H.P. onwards.

Your humble memorialists would at once respectfully submit that the rates prescribed are ill-proportioned if we have regard to the object or objects for which such a levy could be legitimately imposed.

There is no apparent justification for the distinction between the small installation and the large installation in regard to the payment of the fee and no justification at all for the somewhat big jump in the case of installations employing more than 10 H.P. Your humble memorialists beg respectfully to submit that the entire scale is out of all proportion to the end which would justify the levy. It could not, in the very nature of things, be that the expenditure incurred in supervising large scale installations would be in geometrical progression to the expenditure incurred in connection with small

scale-

under the section and the clause in question the Government ever intended to make the levy applicable to large scale installations at all . Their doubts in this matter are confirmed by the very wording of the form of the license which is printed at the foot of the bye-law . That form speaks of its being issued to an owner " for the use of gold and silver boiling or oil engine or steam engine of ....horse power for the purpose of installing an electric motor ". This language is obviously not applicable to all those installations which obtain their power directly from the Power supply stations of the Government Electrical Department

Your humble memorialists beg most respectfully to submit that the license fee works great hardship on all large scale industry . in particular the Textile Industry . In these times no industry - particularly the textile industry - can be said to be by any means prosperous and no large scale industry can afford to bear further taxation . The levy of the license fee at the high rate and as a recurring charge will hit hard all large scale industry now already overburdened .

The Municipality seeks to collect this fee not only from installations which have come into existence since the date the bye-law came into force, but also from ancient installations erected at a time when there was not the remotest contemplation of a levy of this kind . A sort of retrospective effect is being thus given to a purely fiscal measure - a thing which your humble memorialists understand is repugnant to all principles of purely fiscal legislation .

The bye-law -

The bye-law moreover expressly provides that the payment of the fee will not exempt the owners from the taxes payable to the supreme Government .

Your humble memorialists have been trying to find out if there is a parallel to this system of license and license fee in British India or other industrial centres . So far as their investigations go there seems to be none . In some of the Cities in British India a system of licensing places used for power driven machinery is in force . But in those cities a fixed fee levied once for all or a nominal fee levied annum per annum seem to be the corresponding features .

Further in those cities the license has been made compulsory only for future installations and not to past or existing installations and thus no retrospective effect has been given to the law or the bye-laws enacted .

For instance in the City of Bombay - a predominantly industrial centre - no such license fee, as proposed to be levied by the Municipality is required to be paid by any industrial concern . Under S. 390 of the Bombay City Municipality Act of 1888, every person establishing a factory employing power or mechanically driven machinery has got to take a permit which is of a non-recurring nature . In the case of a change in ownership it is to be renewed . The fees for permit and renewal are only Rs.25/- and Rs.2/- respectively .

Your humble -

Your humble memorialists, therefore pray that such action may be taken as may be needed to have the bye-law vacated and set aside and pending disposal of this memorial directions may be issued to the Bangalore City Municipality to stay all further action in regard to the enforcement of the bye-law .

For which act of kindness your humble memorialists will ever pray.

Bangalore

22nd Octr.,1910

BLK.

Memorialists

True copy

REVENUE SECRETARIAT
19 AUG 1946
L.S.G BRANCH.

Telegraphic Address
WOOLLEN BANGALORE

From

The Secretary,
Local Self Government Department,
Government of Mysore,
BANGALORE

The Bangalore Woollen, Cotton & Silk Mills Co, Ltd

Bangalore City 9th August *194* 6

Sir,

On or about the 22nd October 1940 we submitted a memorial concerning certain bye-laws framed by the Bangalore City Municipality under Section 51(1)(b)(vii) of the Mysore City Municipal Act of 1933, whereby, inter-alia, it was made obligatory on every owner of a place used for the installation of power driven machinery to take out a license in respect of the installation on payment of a fee at a very high rate

By our letter dated the 3rd April 1941, addressed to the then 2nd Member in Council who was in charge of the Local Self-Government portfolio, we prayed that the Municipality may be directed to hold the demand for the license fee in abeyance pending orders from the Government on our memorial Our subsequent enquiry showed that the matter was under correspondence between the Government and the City Municipality Though no orders were communicated to us, the fact that the Municipality did not make a fresh demand in the course of the last five years led us to believe that our contentions were upheld by the Government and that instructions were issued to the Municipality to withdraw the demand and exonerate large industrial concerns like us from the operation of the bye-laws in question, or in any case to keep the question open until the final orders of the Government on our memorial were passed

As stated above, for the past five or six years the Municipality had made no fresh demands Recently the Municipal Health Officer has renewed the demand by his letter No H 3 PRP 17/46-47 dated 29th July 1946 addressed to us on pain of prosecution in the event of non-compliance On receipt of this letter we caused enquiries to be made and learnt that no final orders of the Government had been passed in the matter

May we now be permitted respectfully to invite the kind attention of the Government to the memorial aforesaid and pray that final orders be passed We further pray that pending final orders instructions may kindly be issued to the City Municipality to stay all further proceedings in the matter

For ready reference, we beg to enclose copies of the memorial aforesaid and our letter of 3rd April 1941 referred to herein

We have the honour to be
Sir,
Your most obedient servants,
for BINNY & CO, (MADRAS) LTD,

AGENTS SECRETARIES & TREASURERS

COPY

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE

The humble Memorial of (a) The Bangalore Woollen,Cotton and Silk Mills Company Ltd , Bangalore City, Agents, Secretaries and Treasurers, Messrs Binny & Co (Madras)Ltd , and (b) The Mysore Spinning and Manufacturing Company, Ltd , and Minerva Mills, Ltd Bangalore City, Managing Agents Messrs N Sirur & Company Ltd

MOST RESPECTFULLY SHEWETH AS FOLLOWS

Under a bye-law purporting to be framed under S 51 (1) (b) (vii) of the Mysore City Municipalities Act of 1933 the Bangalore City Municipality has made it obligatory on every owner of a place used for the installation of Power driven machinery to take out a license in respect of the installation A license fee at a very high rate is prescribed and the owner is required to renew the license every year by paying the same fee

Your humble memorialists submit that the levy is against the spirit of all Municipal Law and is therefore ultra vires and illegal and further that it is bound to work very great hardship on all large scale industry in the State

Before elucidating these aspects, however, your humble memorialists respectfully invite kind attention to certain general principles of law, which, they crave leave to submit, have a material bearing on the point or points that arise for consideration

The power to tax pertain to the sovereign and such power is delegated to local Self-governing bodies or corporations only to the extent that is necessary to enable such bodies or corporations to efficiently discharge the functions devolving on them in regard to the sphere of Government allotted to them Such is the scheme of all Municiapl law and administration and as your humble memorialists will presently show such is undoubtedly the scheme of the Mysore City Municipalities Act,

P Duraswami Iyengar in his Law of Municipal Corporations in British India (Second edition) at page 269 observes as follows -

"A tax must be distinguished from the fee raised from licenses and permits issued for regulating trades and occupations The power to license and regulate particular branches of business or specified trades, occupations and other matters is what is usually called in American text books 'The Police power' and the exercise of 'police power' carries with it the power to collect a fee for the issue of licenses and permits When authority is given to require the possession of a license as a condition for carrying on a particular trade, a reasonable fee to cover probable expenses may be demanded But the exaction of sums in excess of such expenses and graduated by the amount of business done, can be nothing else than a tax upon such business License fee for carrying on a business or vocation is a tax when revenue is the main object for which it is imposed Ordinarily the mere power to license does not give the power to tax distinctly for revenue purposes A business may be licensed and yet not taxed or it may be taxed and yet not licensed"

In 94 U S 113 it was decided as follows

"The police power on the other hand is not a taking of private property for public use but a salutary restraint on a noxious use by the owner contrary to the maxim sic Utero tuo ut alinum non Laedas"

In Abbott on Corporations, Vol 1 pp 672, 680, 685, etc , it is stated as follows

"The power to tax is also restricted to corporate purposes Corporate purposes are such purposes and such only as are germane to the objects of the corporation or the municipality, at least such as have a connection with these objects and manifest relation thereto"

The relevant provision of the Mysore City Municipalities Act also reads as follows

S 51 (1) "Every municipal council may from time to time with the previous sanction of the Government make, alter or rescind bye-laws, not inconsistent with this Regulation, etc

(b)(vii) For any purpose for which the taking out of a license is or may be prescribed

and providing for the inspection and regulation of the conduct

of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom"

It will be clear from the above clause that the power of the Municipality to grant licenses corresponds to its duty defined in the last sub-section viz the inspection and regulation of the conduct of business so as to secure cleanliness therein or minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom It would follow from this that a license fee which the Municipality may prescribe for the license must bear some reasonable proportion to the expense that is likely to be incurred by the Municipality in the discharge of such duties

Your humble memorialists respectfully submit that, tested in the light of these principles, the levy now sought to be imposed is clearly illegal and ultra vires

The fee prescribed is

8 annas per Horse Power on installations up to 5 H P
Rs 1 " " " " " " 10 "
Rs 1/8/- " " " " " from 11 " onwards

Your humble memorialists would at once respectfully submit that the rates prescribed are ill-proportioned if we have regard to the object or objects for which such a levy could be legitimately imposed

There is no apparent justification for the distinction between the small installation and the large installation in regard to the payment of the fee and no justification at all for the somewhat big jump in the case of installations employing more than 10 H P Your humble memorialists beg respectfully to submit that the entire scale is out of all proportion to the end which would justify the levy It could not, in the very nature of things, be that the expenditure incurred in supervising large scale installations would be in geometrical progression to the expenditure incurred in connection with small scale installations Indeed even where a tax of this kind is imposed usually the rates are based in inverse proportion to

the basis on which the tax would be calculated Perhaps in some cases one may find a reasonable maximum and a reasonable minimum

In the City of Bangalore there are a great number of industries worked on large scale power Therefore the revenue derived from this levy is bound to be big and it could not be that the money which would thus be collected by the Municipality from this levy is all required for any expenditure which the Municipality may have to incur for inspection and regulation of trades so as to secure cleanliness etc , as contemplated by the proviso hereinbefore referred to Your humble memorialists respectfully submit that the levy is verily a tax for revenue purposes in the garb of a license-fee

In fact your humble memorialists are not aware that the Municipality has hitherto employed or is going to employ any special establishment for the inspection and regulation of the trades carried on with the help of these large scale installations Even if it should be supposed that they will do so it could not be that they are having different people to inspect different installations or that the expenditure incurred in connection with the several installations will have anything like the proportion which the rate in the case of smaller installations bears to the rate in the case of large scale installations

Having regard to all the above circumstances your humble memorialists are led to doubt whether in approving the bye-law or prescribing the purposes under the section and the clause in question the Government ever intended to make the levy applicable to large scale installations at all Their doubts in this matter are confirmed by the very wording of the form of the license which is printed at the foot of the bye-law That form speaks of its being issued to an owner "for the use of gold and silver boiling or oil engine or steam engine of horse power for the purpose of installing an electric motor" This language is obviously not applicable to all those installations which obtain their power directly from the Power supply stations of the Government Electrical Department

Your humble memorialists beg most respectfully to submit that the license fee works great hardship on all large scale industry, in particular the Textile industry In these times no industry - particularly the textile industry - can be said to be by any means prosperous and no large scale industry can afford to bear further taxation The levy of the license fee at the high rate and as a recurring charge will hit hard all large scale industry now already overburdened

The Municipality seeks to collect this fee not only from installations which have come into existence since the date the bye-law came into force, but also from ancient installations erected at a time when there was not the remotest contemplation of a levy of this kind A sort of retrospective effect is being thus given to a purely fiscal measure - a thing which your humble memorialists understand is repugnant to all principles of purely fiscal legislation The bye-law moreover expressly provides that the payment of the fees will not exempt the owners from the taxes payable to the supreme Government

Your humble memorialists have been trying to find out if there is a parallel to this system of license and license fee in British India or other industrial centres So far as their investigations go there seems to be none In some of the Cities in British India a system of licensing places used for power driven machinery is in force But in those cities a fixed fee levied once for all or a nominal fee levied annum per annum seem to be the corresponding features

Further in those cities the license has been made compulsory only for future installations and not to past or existing installations and thus no retrospective effect has been given to the law or the bye-laws enacted

For instance in the City of Bombay - a predominantly industrial centre - no such license fee, as proposed to be levied by the Municipality is required to be paid by any industrial concern Under S 390 of the Bombay City Municipality Act of 1888, every person

establishing a factory employing power or mechanically driven machinery has got to take a permit which is of a non-recurring nature In the case of a change in ownership it is to be renewed The fees for permit and renewal are only Rs 25/- and Rs 2/- respectively

Your humble memorialists, therefore pray that such action may be taken as may be needed to have the bye-law vacated and set aside and pending disposal of this memorial directions may be issued to the Bangalore City Municipality to stay all further action in regar to the enforcement of the bye-law

For which act of kindness your humble memorialists will ever pray

Bangalore,
22nd October 1940

Memorialists

COPY

Bangalore, 3rd April, 1941

Rajamantrapravina
K V Anantaraman, B A ,
2nd Member in Council,
Government of Mysore,
Bangalore

Sir,

On the 22nd October 1940, we addressed a joint memorial to the Government in the matter of the bye-law recently framed by the Bangalore City Municipality prescribing that owners of all Power Driven Machinery shall take out licenses and prescribing also the fees for such licenses In our said memorial we have set forth the grounds on which we, inter alia, contend that the bye-law is ultra vires and in any case ought to be reconsidered as it involves very great hardship on large scale industries in Bangalore

As no orders of the Government have been communicated to us we presume that Government have not finally disposed of the matter as yet

The Municipality has by its letter No C2 - C203? dated the 24th March 1941 called upon us to take out the licenses immediately on payment of the fees

We understand that the Municipality has already prosecuted certain owners of Power Driven Machinery for non-compliance with the bye-law and we apprehend that similar coercive processes might be put into force against us though at our instance the

Continued

Bangalore, 3rd April, 1941

question is presumably under the consideration of the Government Any such prosecution will involve unnecessary trouble and expense to us, and we therefore request that pending disposal of our memorial by the Government the Municipality may be directed to hold its demand in abeyance

We have the honour to be,

Sir,

Your most obedient servants,

Sd/-

Appendix F G—1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

No L5278 (Encls 2 Sent on 30 10 46 & Nos 1260 & 1341)

General and Revenue Secretariat

( )

the 194

To The Hble Commr, Bdg (Transport)

Dear Sir,

Date of issue 29-10-46

I am directed to forward herewith (in original) two petitions dated the 8th & 9th Aug 46 received from the Secretary, the Mysore Spinning & Manufacturing Co, Ltd., together with their enclosures in original requesting to hold in abeyance the demand for the license fee on Power driven machinery etc., and to request you to forward a report in the matter within a week

Signed by

List of enclosures

Copied by

Examined by

The originals sent with this letter may be kindly returned with the report

Yours faithfully etc

GEN & REV SECRETARIAT
3838
21 NOV 1946
L S BRANCH

Bangalore City Municipality

No A8 C 678/46-47
Encl One file of Papers Health Officer's report and Statement
FROM SAFI DARASHAH, ESQ., B A.,

MUNICIPAL OFFICES, Bangalore 19th Nov 1946

GEN & REV SECRETARIAT
3832
29 OCT 1946
L S BRANCH

THE MYSORE SPG & MFG. CO. LTD.

(Regd Office —70 FORBES STREET FORT BOMBAY)

Managing Agents
N SIRUR Ltd

Telegrams CHAMUNDI
Bangalore & Bombay
Telephone 010

Ref No MSM/AC/3/17/46 Bangalore OCTOBER 29, 1946

The Revenue Secretary to the
Government of Mysore,
Bangalore

Dear Sir,

In the matter of Bangalore City Municipal Bye-laws relating to licence for Electric Motors.

- - - -

Further to the interview which you were kind enough to grant to our legal adviser Mr B Shanker Rao and our Assistant Labour Officer Mr. M S Kulkarni yesterday, we enclose a copy of our letter to the Secretary, Local Self Government Department No MSM/AC/3/454/46 dated 8th August 1946 which speaks for itself

We had sent a copy of the above letter to the Health Officer, Bangalore City Municipality and requested him to stay further action until orders were passed by the Government on our Memorial The Health Officer, however, has again addressed us as per copy enclosed which shows that he is not agreeable to keeping the demand in abeyance until the matter is disposed of by the Government As the amount involved is fairly large we pray that Government will be pleased to direct the Municipality to stay further action until our Memorial is disposed of by the Government.

For which act of kindness we shall ever pray,

Encls 2

We have the honour to be,
Sir,
Your most obedient servants,
For The Mysore Spg & Mfg Co Ltd

SECRETARY

mgr
Ncs

GEN & REV SECRETARIAT
3838
21 NOV 1946
SECRETARIAT BRANCH
1946

Bangalore City Municipality

MUNICIPAL OFFICES

No A8 C 678/46-47 Bangalore, 19th Nov 1946
Encl One file of Papers Health Officer's report and statement
FROM SAFI DARASHAH, ESQ, B A,

THE MYSORE SPG & MFG. CO. LTD.

(Regd Office —70 FORBES STREET FORT BOMBAY)

Managing Agents
SIRUR & Co Ltd

Telegrams CHAMUNDI
Bangalore & Bombay
Telephone 2010

Ref No MSM/AC/3/727/46 Bangalore OCTOBER 29, 1946

The Revenue Secretary to the
Government of Mysore,
Bangalore.

Dear Sir,

In the matter of Bangalore City Municipal Bye-laws relating to licence for Electric Motors.

- - - -

Further to the interview which you were kind enough to grant to our legal adviser Mr. B.Shanker Rao and our Assistant Labour Officer Mr. M.S. Kulkarni yesterday, we enclose a copy of our letter to the Secretary, Local Self Government Department No.MSM/AC/3/454/46 dated 8th August 1946 which speaks for itself.

We had sent a copy of the above letter to the Health Officer, Bangalore City Municipality and requested him to stay further action until orders were passed by the Government on our Memorial. The Health Officer, however, has again addressed us as per copy enclosed which shows that he is not agreeable to keeping the demand in abeyance until the matter is disposed of by the Government. As the amount involved is fairly large we pray that Government will be pleased to direct the Municipality to stay further action until our Memorial is disposed of by the Government.

For which act of kindness we shall ever pray,

Encls:2.

We have the honour to be,
Sir,
Your most obedient servants,
For The Mysore Spg & Mfg Co Ltd

SECRETARY

Mk
Ncs.

No L 5560 & 6/11/46

MEMORANDUM

No:

TELEGRAMS "CHAMUNDI BOMBAY & BANGALORE" TELEPHONE No 2010

N SIRUR & Co, Ltd.
AGENTS
BOMBAY

From
The Manager
THE MYSORE SPG & MFG Co Ltd, BANGALORE
(Regd Office: 70 Forbes St Fort Bombay)

Bangalore August, 12th, 1946.

To
The Secretary,
Local Self Government Department,
Government of Mysore,
Bangalore

(COPY)

Sir,

On or about the 22nd October 1940 we submitted a memorial concerning certain bye-laws framed by the Bangalore City Municipality under Section 51(1)(b)(vii) of the Mysore City Municipal Act of 1933, whereby, inter-alia, it was made obligatory on every owner of a place used for the installation of power driven machinery to take out a license in respect of the installation on payment of a fee at a very high rate.

By our letter dated the 3rd April 1941 addressed to the then 2nd Member in Council who was in charge of the Local Self-Government portfolio, we prayed that t the Municipality may be directed to hold the demand for the license fee in obeyance pending orders from the Government on our menorial Our subsequent e enquiry showed that the matter was under correspondence between the Government and the City Municipality. Though no orders were comminicated to us the fact that the Munidipality did not make a fresh demand in the course of the last five years led us to believe that our contentions were upheld by the Goverhment and that instructions were issued to the Municipality to withdraw the demand and exonerate large undustrial concerns like us fron the operation of the b e-laws in questions or in any case to keep the question open until the final orders of the Government on our menorial were passed.

As stated above for the past five or six years the Municipality had made no fresh demands. Recently the Municipal Health Officer has renewed the demand by his letter No. H,3PRP .17/46-47 dated 29th July 1946 addressed to us on pain of prosection in the event of non-compliance On receipt of this letter we caused enquiries to be made and learnt that no final orders of the Government

No L 5560 8/ 6 11 46

MEMORANDUM

No.

TELEG AMS CHAMUNDI
BOMBAY & BANGALORE
TELEPHONE No 2010

N SIRUR & Co, Ltd,
AGENTS
BOMBAY

From
The Manager
THE MYSORE SPG & MFG Co, Ltd BANGALORE
(REGD OFFICE -70 FORBES ST FORT BOMBAY)

Bangalore August, 8th, 1946

To

(COPY)

been passed in the matter.

May we now ve permitted respecrfully ti invite the kind attention of the Government to the memorial aaforesaid and pray that final orders be passed We further pray that pending final orders instructions may kindly ve issued to the City Municipality to stay all further prodeeding in the matter,

For ready reference, we beg to enclose sopies of the memorial aforesaid and other letters referred to herein

act

For which/of kindness we shall ever pray

We have the honour to be,
Sir,
Your most obedient servants,

No L 5560 8/6/46

MEMORANDUM

No MM/AC/3/751/46

Bangalore OCTOBER 29th 1946

TELEGRAMS CHAMUNDI BOMBAY & BANGALORE
TELEPHONE NOS 2040 (MILLS) 2010 (OFFICE)

N SIRUR & Co LTD
MANAGING AGENTS
BOMBAY

GEN. SECRETARIAT.
3131
29 OCT 1946
BRANCH

To

The Revenue Secretary to the
Government of Mysore,
Bangalore.

From

MINERVA MILLS, LTD,
BANGALORE
(Rego Office 70 Forbes St Fort Bombay)

Dear Sir,

In the matter of Bangalore City Municipal Bye-laws relating to licence for Electric Motors

Further to the interview which you were kind enough to grant to our legal adviser Mr B Shanker Rao and our Assistant Labour Officer Mr M.S Kulkarni yesterday, we enclose a copy of our letter to the Secretary, Local Self Government Department No MSM/AC/3/454/46 dated 8th August 1946 which speaks for itself

We had sent a copy of the above letter to the Health Officer, Bangalore City Municipality and requested him to stay further action until orders were passed by the Government on our Memorial The Health Officer, however, has again addressed us as per copy enclosed which shows that he is not agreeable to keeping the demand in abeyance until the matter is disposed of by the Government As the amount involved is fairly large we pray that Government will be pleased to direct the Municipality to stay further action until our Memorial is disposed of by the Government

For which act of kindness we shall ever pray,

We have the honour to be,
Sir,
Your most obedient servants,
for Minerva Mills Limited

Secretary

Encls:2.

Nos.

MEMORANDUM

[illegible]

No.

[illegible] LTD.
[illegible]
[illegible]

CHANNEL [illegible]
[illegible]

The Secretary to the
Government of [illegible]

[illegible]

MINERVA MILLS, LTD.,
[illegible]

Dear Sir,

[illegible]

Further to the future [illegible] are [illegible] to grant to our local Self Government Department [illegible] Bye-laws which speaks for itself.

[illegible]

We had sent a copy of the above letter to the Municipal Commissioner, Municipal City Municipality and Deputy Director, Urban Development Authority, Colombo for their information and necessary action. Unfortunately, we have not received any reply from them to date. Hence we are forced to bring the matter to your notice and request you to kindly intervene in the matter and direct them to grant us the permission as requested by us. We are sure that you will appreciate our difficulties and will do your best to help us in this regard.

Further action will be taken by us only after we hear from you.

Thanking you,

Yours faithfully,
for MINERVA MILLS, LTD.,

[illegible]
Director.

No L 5560 & 6 11 46

MEMORANDUM

No M14/Hc/3/757/46

TELEGRAMS CHAMUNDI BOMBAY & BANGALORE
TELEPHONE NOS 2040 (MILLS) 2010 (OFFICE)

N SIRUR & CO LTD
MANAGING AGENTS
BOMBAY

From

MINERVA MILLS, LTD,
BANGALORE
(Regd Office 70 Forbes St Fort Bombay)

Bangalore, OCTOBER 29th *194* 6

To

The Revenue Secretary to the
Government of Mysore,
Bangalore

Dear Sir,

In the matter of Bangaloro City Municipal Bye-laws relating to licence for Electric Motors.

- - - -

Further to the interview which you were kind enough to grant to our legal adviser Mr. B. Shanker Rao and our Assistant Labour Officer Mr M.S. Kulkarni yesterday, we enclose a copy of our letter to the Secretary, Local Self Government Department No MSM/AC/3/454/46 dated 8th August 1946 which speaks for itself

We had sent a copy of the above letter to the Health Officer, Bangalore City Municipality and requested him to stay further action until orders were passed by the Government on our Memorial The Health Officer, however, has again addressed us as per copy enclosed which shows that he is not agreeable to keeping the demand in abeyance until the matter is disposed of by the Government. As the amount involved is fairly large we pray that Government will be pleased to direct the Municipality to stay further action until our Memorial is disposed of by the Government.

For which act of kindness we shall ever pray,

We have the honour to be,
Sir,
Your most obedient servants,
for Minerva Mills Ltd.
Agent

Encls:2.

Nos.

No L 5560 Dy 6/11/46

August, 8th, 6.

The Secretary,
Local Self Government Department,
Government of Mysore,
Bangalore

(COPY)

Sir,

On or about the 22nd October 1940 we submitted a memorial concerning certain bye-laws framed by the Bangalore City Municipality under Section 61(1)(b)(vii) of the Mysore City Municipal Act of 1926, whereby, inter-alia, it was made obligatory on every owner of a place used for the installation of power driven machinery to take out a license in respect of the installation, payment of a fee at a very high rate.

By our letter dated the 3rd April 1941 addressed to the then Secretary in Council who was in charge of the Local Self-Government portfolio, we prayed that the Municipality be directed to keep the demand for the license fee in abeyance pending orders from the Government on our memorial. Our subsequent correspondence brought that matter as a result of correspondence between the Government and the City Municipality. Though no orders were communicated to us the fact that the Municipality did not take any fresh demand in the course of the last five years seems to believe that our contentions were upheld by the Government and that instructions were issued to the Municipality to withdraw the demand and exonerate large and small concerns like us from the operation of the bye-laws in questions, or in any case to keep the question open until the final orders of the Government on our memorial were passed.

As it has now for the past five or six years the Municipality has made no fresh demands. Recently the Municipal Health Officer has renewed the demand by his letter No. H/PPP 7/46-47 dated 10th July 1946 and threatened us on pain of prosecution in the event of non-compliance. On receipt of this letter we caused enquiries to be made and learnt that no final orders of the Government had

No L 5560 8/6/46

fic.

Oct 46.

(COPY)

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by the note permitted me respectfully to invite the kind attention
to request to [illegible] final orders be passed
[illegible] instructions [illegible] issued to the
[illegible] to [illegible] matter,

ic Motors

For [illegible] reference, [illegible] of the memorial aforesaid
or letter referred to herein
not
For which/of kindness we [illegible]

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hat the income to be,
Sir,
our most obedient servants,

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further

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No L 5560 Dy 6 11 46

Municipal licence for Electric
Motors installed in the
Barcaldine Woollen, Cotton & Silk
Mills and Minerva Mills,
Alloa

Dear Sir,

I am directed to invite
reference to this office letter No 5276
dated 29-10-46 on the above subject
and to request that the deposit called
for therein may be forwarded immediately
Pending submission of your reply & note of action
taken by you first, further action in this case is suspended
Yours faithfully
Municipal Chamberlain
Alloa

5/11/46

No. H-3 pr 17/46-47.

Office of the Health Officer
City Municipality.
Bangalore City, dated - 17th Oct.46.

To,
The Director,
Raja Mills,
Bangalore City.

Dear sir,

With reference to your letter No. MM/AC/3/535/46 dated 13th Aug.46 in regard to obtaining license for the Electric Motors installed in your mills and requesting that action be stayed till your representation to Govt. is disposed off by Govt., I write to state that the Municipal Council is not in favour of waiting till Govt., orders are passed. I am desired to intimate you that if you fail to credit the license fees including the arrears, further action will be taken under the bye-laws in force. I request that the amount may be remitted at a very early date.

Yours Faithfully,
(sd) S.Seshagiri Rao
Health Officer.

No. H-3 pr 17/46-47.

Office of the Health Officer
City Municipality
Bangalore City, dated - 17th Oct 46.

To,
The Director,
Minerva Mills, Limited,
Bangalore City.

Dear sir,

With reference to your letter No MM/AC/3/535/46 dated 13th Aug.46 in regard to obtaining license for the Electric Motors installed in your mills and requesting that action be stayed till your representation to Govt. is disposed off by Govt., I write to state that the Municipal Council is not in favour of waiting till Govt., orders are passed I am desired to intimate you that if you fail to credit the license fees including the arrears, further action will be taken under the bye-laws in force. I request that the amount may be remitted at a very early date.

Yours Faithfully,
(sd) S Seshagiri Rao

No. L 5642-3 23.11.46

To The Secretary, Kirloskar Brothers, Ltd. Bangalore

The Secretary, The Mysore Chemicals & Fertilizers Ltd Bangalore

Sir

In reply to your letter dated 29-10-46, ~~in regard to obtaining license for the Electric motors installed in your Mills, Bangalore~~ requesting that the ~~New~~ City Municipality may be directed to stay further action in the matter of your obtaining license for the Electric motors installed in your Mills, I am desired to inform you that the question is engaging the attention of the Govt.

Yours faithfully,

GEN & REV SECRETARIAT
3838
21 NOV 1946
L S BRANCH

Bangalore City Municipality.

No A8 C 678/46-47 MUNICIPAL OFFICE, Bangalore 19th Nov 1946

Encl One file of Papers Health Officer's report and Statement

FROM

SAFI DARASHAH, ESQ, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY.

To

J B Mallaradhya, Esq, M A,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

SIR, Subject - Municipal licenses for electric motors installed in the (i) Bangalore Woollen Cotton & Silk Mills (ii) Mysore Spg & Mfg, Company Ltd, (iii) Minerva Mills- Bangalore, claiming exemption of the -

With reference to the correspondence ending with your D O letter No L 5560 dated 6-11-1946 on the above subject, I have the honour to state that according to the Byelaws framed under section 51(1)(b) (vii) of the M C M Act of 1933, all Industrial Concerns using mechanical power have to obtain license and there is no provision in the byelaws exempting the above mills from obtaining license therefor

2 While the owners of small Industrial Concerns have been paying this license fee, there is no reason why such big concerns which are making huge profits annually should be exempted If such exemption is to be granted, the levy of the license fees as a whole will have to be abolished much to the prejudice of the financial interests of the Municipality resulting in a total annual loss of Rs 20 to 25 thousands

3 In these circumstances I request that in the interest of Municipal revenue, the representation of the Mill owners in the matter of granting them the exemption may not be viewed favourably A copy of the Health Officer's report together with its enclosure received in this regard is herewith enclosed for favour of reference

p t o

4 The enclosures to your letter under reference are retransmitted herewith.

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

hsr/-

Report No H3.Pr.17/46-47 dated 12-11-1946 from the Health Officer, Bangalore City to the Municipal Commissioner, Bangalore City

---

A perusal of the records will indicate that the question of licensing the following Mills

(i) The Mysore Spg and Mfg Co , Ltd ,
(ii) The Bangalore Woollen, Cotton and Silk Mills Co , Ltd ,
(iii) Minerva Mills

is under correspondence between the Municipality, the Mill authorities and the Government According to the bye-laws framed under Sec 51(i)(b)(vii) of the Mysore City Municipal Act of 1933, whoever uses mechanical power has to obtain a license from the Municipality and there is no clause in the bye-laws providing for exemption The Mills are therefore bound to take out licenses

2 The Mill authorities represented in 1940 to the Government, that they may be exempted from the operation of these bye-laws As no orders of Government were received in this behalf, the question was kept in abeyance and the Government have been reminded several times as noted in the margin, requesting them to pass orders in this regard

1 A8 Pr 337 dated 12-2-45
2 A8 Pr 337 dated 24-1-46
3 A8 Pr 337 dated 5-4-46

The Managing Committee at their meeting held on 19-6-46 insisted on action being taken against these Mills and accordingly notices were served on the three mills requesting them to take out licenses and pay the arrears They replied that the Memorial submitted by them in 1940, is still pending with the Government and requested to stay further action

A note was submitted in this regard and the Municipal Commissioner approved of the recommendation that the parties may be endorsed that if they failed to credit the license fee,s further action will be taken as the Municipal Council is not agreeable to wait till the Government Orders are passed and endorsements have been served on the parties accordingly

Persons running Motors of ¼ H P even are not exempted and as such the authorities of these mills who use motors aggregating to more than 1000 H P each should be exempted from the levy of licensed fee does not seem to be reasonable The whole file is pending with the Government for over 6 years and early orders may kindly be obtained in the matter As desired by the Managing Committee, further action will be taken

A statement of arrears due by the above mills is enclosed herein for kind perusal

---

(C o p y)

Municipal Commissioner

hsr/-

A Statement showing the arrears due from (i) Mysore Spg and Mafg Co , Ltd , (ii) The Bangalore Woollen, Cotton and Silk Mills Co , Ltd , (III) Minerva Mills, for the Electric Motors installed in the respective mills from 1939-40 to end of 1946-47

Year	Binny Mills			Raja Mills			Minerva Mills		
	No of Motors installed	Rate	Amount	No of Motors installed	Rate	Amount	No of motors installed	Rate	Amount
			Rs			Rs			Rs
1939-40	3367 H P	@ 1-8-0 per H P	5,050-8-0	1737 H P	@ 1-8-0 per H P	2,605-8-0	1319 H P	1-8-0 per H P	1,978-8-0
1940-41	"	"	5,050-8-0	"	"	2,605-8-0	"	"	1,978-8-0
1941-42	"	"	5,050-8-0	"	"	2,605-8-0	"	"	1,978-8-0
1942-43	"	"	5,050-8-0	"	"	2,605-8-0	"	"	1,978-8-0
[illegible]		"	5,050-8-0	"	"	2,605-8-0	"	"	1,978-8-0
1944-45	"	"	5,050-8-0	"	"	2,605-8-0	"	"	1,978-8-0
1945-46	"	"	5,050-8-0	"	"	2,605-8-0	"	"	1,978-8-0
1946-47		"	5,050-8-0	"	"	2,605-8-0	"	"	1,978-8-0
Total			Rs 40,404-8-0			Rs 20,844-8-0			Rs 15,828-8-0

Municipal Commissioner

40,404-8-0
20,844-8-0
15,828-8-0
77,077-8-0

484 C) 7 12-46

To

The Municipal Comr
Bangalore City

Subj: Municipal licenses for electric motors installed in the Bangalore woollen cotton and silk Mills in Mysore Spg & Mfg Company Ltd in Minerva Mills - Bangalore - claiming exemption

Sir,

With reference to your letter No AFC 6 Y6 Feb-47 dated 19-11-46 on the above subject, I am directed to request you to furnish the information on the following points

1) the names of factories which have been taking out licenses in Bangalore city, as per existing Bylaws
2) the year from which they are paying license fee
3) Amount collected from each of them during the last five years by the City Municipality
4) the quantity of electric power used by each

Factory

5) whether any resolutions have been adopted so far in this respect by the Municipality in the year 1933 to exempt cases from the levy of the license fee

6) whether there is any provision in the Municipal Act - 1933 to exempt cases from the levy of the license fee

7) what is the practice or rule in this respect in the case of Bunny or any other Mills situated in the Madras city

As very early reply is requested

Yours faithfully

For Secretary

CITY MUNICIPAL OFFICES
BANGALORE

Dated 1st May 1947

From

Safi Darashah, Esq , B A ,
Municipal Commissioner, Bangalore City

To

H N Pallegar, Esq , M A , LL B ,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Sub Municipal licenses for electric motors installed in the (1) Bangalore Woollen, Cotton and Silk Mills (2) Mysore Spinning and Manufacturing Co , Ltd , (3) Minerva Mills, Bangalore claiming exemption from payment of tax to the Municipality

---

With reference to your letter No L 8484 dated 17-12-1946 on the above subject calling for certain particulars, I have the honour to forward herewith a detailed statement furnishing the required particulars together with a copy of the letter No R O C No M6 610/47 dated 20-2-1947 from the Revenue Officer, Corporation of Madras addressed to the Health Officer

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

hsr/-

Copy of letter No R O C No H6-610/47 dated 22-2-47 from the Revenue Officer, Corporation of Madras, Madras, to the Health Officer, Bangalore City

---

Sub -License fee - using machinery etc , - condition under which license is granted

9169

Ref -Your letter No H3-Cr 17/46-47 dated 19-12-46

I forward herewith a copy of the conditions under which licenses are granted to places where power driven machineries are used

The rates charged for erection of machinery and using of machinery are as follows The fee is charged under the provisions of section 365(2) of the Madras City Municpal Act IV of 1919

Sd/- xxxxx

For Revenue Officer

Ag c 678/46-7

"copy"

S Sesha Gopala Rao

Health Officer,

Bangalore City

Copy of the conditions under which licenses are granted

Section	Purpose for which license, permission or registration is required	Scale of fees	Remarks
288(I)(a)	To construct or establish any factory, work shop or work place in which it is proposed to employ, steam power, water power, or other mechanical power or electric power	Rs 175/- for each steam boiler, steam, oil or gas engine of 25 H P and over	Free if erected in educational institutions for educational purposes or gardening purposes
		Rs 90/- for every other steam boiler, steam oil or gas engine, engine of over 10 and below 25 H P	Free for erection of inert machinery incapable of generating power by themselves
		Rs 60/- for machinery other than the above, but not including machinery worked by electricity or by hand power	
288(I)(c)	To instal in any premises any machinery or manufacturing plant driven by steam, water, electric or other power	Rs 3/- for each electric motor not exceeding 2 H P Rs 60/- for each electric motor over 2 H P and below 8 H P Rs 90/- for electric motor of 8 H P and above	Free upto 4 H P for erections for domestic use 25% of the above rates in case of replacements
	Using for any industrial purpose, fuel or machinery	Rs 15/- below 5 H P Rs 25/- for 5 H P and over but not exceeding 10 H P Rs 40/- exceeding 10 H P and over but not exceeding 20 H P Rs 50/- exceeding 20 H P and over but not exceeding 30 H P Rs 75/- exceeding 30 H P and over but not exceeding 50 H P Rs 150/- exceeding 50 H P and over but not exceeding 100 H P	For every H P exceeding 100 Re 1/- for every H P subject to a maximum of Rs 500/-

like Buckingham & Carnatic mills and similar mills have also taken out licenses from the Corporation of

I	2	3	4	5	6	7
3I	Srinivasa & Co , Silk Throwing, I99, Sultanpet	I5	I939-40	II2-8-0		
32	M Srinivasa & Co, No 25, Santhusapet	I2	"	90-0-0		
33	B M K Swamy, Silk Throwing Factory, Kemmangundi Road	I0	"	50-0-0		
34	Sri Srinivasa Roller Flour Mills, 69-70, Old Taragupet	40	"	300-0-0		
35	Sri Narayana Silk Throwing Factory, No 28, Purana Seshachar Lane	I0	"	50-0-0		
36	N Krishnasa Dondalay, 4I, Puranaseshachar lane	I3	"	97-8-0		
37	Prabhakar & Co , Silk throwing , 53, Purana seshacharlane	8	40-4I	40-0-0		
38	S M Bhaktappa & Sons , Gold Thread Factory, 745, Old T C Road	28	39-40	2I0-0-0		
	IV Division					
39	B N Gangaiah Setty, Wood turning works Naldarpet	3	I94444b	4-8-0		
40	C n Hanumanthappa, No 33, Chowlagalli (Silk Throwing)	5	43-43	I2-8-0		
4I	M Thimmiah, No I5, Silk Throwing Factory, Hanumappa Lane	5	39-40	I2-8-0		
42	K Revanna, No 48, -do- Siddanna lane	5	-do-	I2-8-0		
42	Sannili & Bros , No 53, -do- Sunkalpet	I0	4I-42	50-0-0		
43	V B Subbiah & Son, Printing works, Sanjeevappa lane,	3	39-40	7-8-0		
44	Doddahonnappa & Sons , Silk Twisting, Chikmaramma Temple Street	I5	I940-4I	II2-8-0		
45	B Byrappa, No 27, Silk Throwing, Lingasettypet,	I5	39-40	II2-8-0		
46	C K Chinnappa, No 6, Honnurappa lane (Silk Throwing)	I5	39-40	II2-8-0		
47	Y S Venkataramanappa, I4th Cross, Silk twisting	I6½	39-4-0	I23-I2-0		

Statement of Factories of Bangalore City as it stood on 30-12-46

S No	The names of Factories which have been taking out license in Bangalore City as per existing bye-laws	The Quantity of Horse-power used in each factory	The year from which they are paying the license fee	Amount collected from each of them during the last 5 years by the Municipality	Whether any exemptions have been allowed so far in this respect by the Municipal Council	Whether there is any provision in the M C M Act 1933 to exempt cases from the levy of this license fee	Remarks
1	2	3	4	5	6	7	8
	I Division						
1	M/s B K Subbiah & Sons ,	132½	1939=40	993-12-0	No exemptions are made so far in this respect	Nil	Mills Like Buckingham & Carnatic Mills and others have also taken out licenses from the Govt of Madras
2	M Rangiah & Son	10	-do-	50-0-0			
3	Srinivasa Chemical Manufacturing Co ,	2	1944-45	3-0-0			
4	Kannamal Ice Factory	5	-do-	7-8-0			
	II Division						
5	The Bangalore Tiles & Fire Brick Factory, Magadi Road	45	1939-40	337-8-0			
6	Magaji Dondusa Silk Factory, Magadi Road	25	1943-44	150-0-0			
7	Margabhandu Chettiar, Magadi Road (Weaving Factory)	10	1939-40	50-0-0			
8	Sri Salamma Weaving Factory, Magadi Road	10	"	50-0-0			
9	Globe Iron Foundary	20	"	150-0-0			
10	Haji Mohamed Ghouse Factory, Oakalipuram	15	"	112-8-0			
11	M K Nair Foundry	15	"	112-8-0			
12	Muddanna & Sons , Silk Twisting Factory	60	"	450-0-0			
		110	"	825-0-0			

		I56	"	I,I70-0-0
I5	[illegible] S Dhondusa Gold Thread Factory	40	"	300-0-0
I6	Dhanalakshmi Oil mills	4I	"	307-8-0
I7	Kabadi Venkusa Silk Factory, Rangaswamy Temple Street	26	"	I95-0-0
I8	S Naranappa & Bros , Rangaswamy Temple Street	25	"	I87-8-0
I9	B Munıswamysa, No 2, Gandhudi Kıtchıahgallı	I8	"	I35-0-0
20	Kabadi Venkusa, No 6, Venkusanujıgallı	26	"	I95-0-0
2I	Kabidi Venkusa, No 22, Venkusahujıgallı	I0	"	50-0-0
	III Division			
22	Srinivasa Saw Mills, No II2, Arlepet Lain Road	26	"	I95-0-0
23	L Narasinga Rao Lane & Sons , Saw Mills, Arlepet Main Road	25	"	I87-8-0
24	Prabhakara Weaving Factory, No II2, Sultanpet	I3	"	97-8-0
[illegible]	Krishna Engineering works, No I27, Arlepet Main Road	I0	"	50-0-0
26	M/s Lucural Mudaliar & Sons , Iron Foundry, Old Timber yard Rd	30	"	225-0-0
27.	J G Narayanasa & Sons , No 82, Silk Throwing, Santhusapet	I2	I94I-42	90-0-0
28	Srinivasa Metal Works, No 30, Kemmangundi Road	I0	I939-40	50-0-0
29	Indian Textile & Mechanical Works, No 58, Totadevarmuttlane	I0	I94I-42	50-0-0
30	National Saw Mills, Kemmangundi Road	25	I939-40	I87-8-0

				50-0-0
	Rangappa, Silk twisting, Anjeneya Temple St ,	I0	40-4I	50-0-0
	T. Gangadharaswamy, Silk Throwing, -do-	I0	4I-42	50-0-0
	Chennabasappa, Silk twisting, Ganigar A lane,	5	4I-42	7-8-0
	D. Giriappa, Silk throwing, No 62, I5th Cross, cubbonpet	3I	40-4I	232-8-0✓
	B.Kanthappa, No 95, Anjaneya Temple St , (silk throwing)	I4	42-43	I05-0-0
	P.V. Narayanappa, silk throwing I3th cross cubbonpet	I5	39-4-0	II2-8-0
	Mysore Arts and Wood Industries, No I0, II, I2, T C Road,	I8	"	I35-0-0
56.	C. Narasimhiah, Silk Twisting , Narayanasettypet,	5	39-40	7-8-0
57.	D Narasimhaiah, -do- Ganigar A lane,	5	44-45	7-8-0
58.	H V Gangadharappa, Silk throwing, Chowlagalli,	6	39-40	30-0-0
59.	K Venkatappa, sill twisting, Ramannapet,	I0	44-45	30-0-0✓
	Division			
		26	39-40	I95-0-0
62	Sri Champakadhama silk throwing & weaving factory, 426, Nagarthpet	I0	"	50-0-0
		40½	"	300-I2-0
63.	Ganesha silk throwing factory, No I8, Malavalli Rama Rao Road	II½	"	86-4-0

I	2	3	4	5	6	7	8
	VII Division continued						
95	Sri Sakamma Coffee Wroks, Gavipur Guttahalli	30	I939-40	225-0-0			
96	Prakash Silk Throwing Factory, I87, III Road, Chamarajpet (Mr N R Sarode)	20	"	I50-0-0			
97	Rajagopala Naidu, No I9/4I, B Street, Fort, Photo Zinco Works printing press	3	"	7-8-0			
98	VIII Division						
98	S N Harve & Co , Kankanhally Road,	2	"	5-0-0			
99	Annapurna Cooker Co ,	Ib 5	"	II6-4-0			
I00	Bharat Diary	50	"	375-0-0			
	IX Division						
I0I	Chandiram's Mysore Silk Mills	8	"	40-0-0			
I02	Model Mechanisms	3	"	7-8-0			
I03	Kumara mills	8	"	40-0-0			
I04	Ganesha Weaving Factory	I0	"	50-0-0			
104	9 Division	2456	39-40	18581-8-0			

C S Nagaraja
Health Officer, 22/4/47
Bangalore City

hsa/22/4/47

I	2	3	4	5	6	7	8
64	Muthappa, Silk throwing factory, 38, Kumbarpet	I0	~~39×4×0~~ 39-40	50-0-0			
65	Krishna silk throwing factory, patrappa Road,	I6	39-40	I20-0-0			
	VI Division						
66	K H Shama Rao,& Sons , No I00, Slaughter House Road Tailoring works	5	39-40	I2-8-0			
67,	B Devaiah Setty & Sons , Weaving factory, 72-73, Narasimharaja Road,	33	"	247-8-0			
68	G Hunumanthappa, Silk weaving factory, Kumbargundi Road	40	"	300-0-0			
69	Bangalore Weaving Factory, A J Sajpal, 47, New Bamboo Bazaar	20	"	I50-0-0			
70	Ananda Weaving Factory, K N Ramaswamy, Proprietor, Mental Hospital Road	9	I946-47	I5-8-0			
7I	B S Shankarappa Setty, I8, Banasankari Weaving Factory, Park Road	I0	"	50-0-0			
72	Mysore Arts and Wood Works, Fort Lalbagh Road,	65	"	487-8-0			
73	Mysore Textiles, Weaving Factory, B M Aswath, Proprietor, No 2, Kumbargundi Rd	I5	"	II2-8-0			
74	Bangalore Transport Co , Opposite to Lalbagh	7½	"	37-8-0			
75	B R Ramaswamy, Proprietor, Bangalore Garrage, No 2I, Sri Jayachamarajendra Road	I0	I942-43	50-0-0			
76	Mysore Wood Industry (S R S Reddy)No 7, East Road	8	39-40	40-0-0			
77	Express Automobiles, Azimuddinkhan, No 37, S L N Charities, Doddanna Hall	I5	"	II2-8-0			

78	Chinnappa Naidu, Weaving Factory, Ooklipur			II2-8-0
79	Lakshmana Rao, No 20, Fort, Babbin factory and wood outfitting, Krishnarajendra Road,	9	"	45-0-0
80	K G Muddanna, No I9, Fort, K G M Weaving Factory Krishnarajendra Road	I5	"	II2-8-0
8I	Krishna Rao Sinche, No I6, III Road, New Taragupet, Shiva's soapnut & Oil mills	56	"	420-0-0
82	Venkoba rao, No 330, Weaving Factory, I Road, New Taragupet	I0	"	50-0-0
83	P R Ramaiah, Tainadu Press, Albert victor Rd ,	I3½	"	98-I2-0
84	Rao Bahadur B I Garudachar, Sri Ramakrishna Oil mills, No I0, IV Road, New Taragupet	62	"	465-0-0
85	P R Sinche & Co , No II, IV Road, Oil mills New Taragupet, ~~Rangaiarexpress~~	I8	"	I35-0-0
86	Bangalore Press, Mysore Road	32	"	240-0-0
87	Sri Rama Weaving shed, Harding Road,	40	"	300/-0-0
88	Steel Construction Co , Hardinge Road,	I05½	"	697-8-0
89	N Rudraiah, Neelakanteswara Engineering Works	I2	"	90-0-0
90	B R Muninagappa & K R Channappa, No I47, III Main Road, Chamarajpet	6	"	30-0-0
9I	Madhavakrishna, T R Mills	II5	"	862-8-0
92	Anjanaranappa, T R V Co , V Road, Chamarajpet,	I3	"	97-8-0
93	Sri Rama Silk Mills Gavipur Guttahalli, N G Naik	I04	"	780-0-0
94	P Revappa, No I0, II Road, New Taragupet, Rice Mill	25	"	I87-8-0

Fee on machinery driven by power charged by the Bangalore City Municipality

---

1. On machinery up to 5 H P at Re 0-8-0 per H P
2. On machinery from 6 H P to 10 H P at Re 1-0-0 per H P
3. On machinery from 11 H P and upwards at Rs.1-8-0 per H P

For boiling gold and silver - Rupees five per annum in addition to the fees payable for the instal of machinery driven by power

---

L 2969-71/M/69-46-6

To d. 21.8.69

1) The Secretary - Minerva Mills (Ltd)
Bangalore

2) The Secretary - The Tungabhadra Spinning
and Manufacturing Company Ltd Bellary

3) The Secretary - The Bangalore Woollen, Cotton
& Silk Mills - Ltd - Bellary

Sir,

In continuation of this office endorsement-
No 5642-3 dated 7-11-1946 I am directed to
state that, according to the provisions of the
Byelaws in force in Bangalore City Municipality, all the Industrial concerns
using power have to obtain licenses
from the City Municipality on payment of the prescribed fees,
and there is no provision in the said Byelaws to
enable or to exempt your Mills from obtaining the licence
therefor & from paying the fees prescribed therein.

It is also seen that the owners of the Small Industrial
Concerns in the city have been accordingly paying the said
licence fee

In these circumstances I am to ...

Kmk]

Arrangements may be made to pay off the arrears due in this behalf to the City Municipality, without any further delay. In case you feel that the present levy is in any way excessive the matter may be taken up for further consideration with the municipal authorities.

Yours faithfully

17/8/47
for Revenue Secretary

Memo No. h.2972 dt 21.8.1947

Copy sent to the Municipal Commissioner Bangalore City for information and necessary action, with reference to the Correspondence ending with Your Letter No A&C 678 dt 1-5-47

for
Revenue Secretary

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No. 2969-71/RL 69-46-5 Dated Bangalore 21 & 47

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore,
Revenue Department

To

The Secretary - Minerva Mills Ltd , Bangalore
The Secretary - The Mysore Spg & Mfg Co , Ltd , Bangalore
The Secretary - The Bangalore Woollen, Cotton & Silk Mills Co , Ltd , B'lore

Sir,

In continuation of this Office endorsement No 5642-3 dated 7-11-'46 I am directed to state that according to the provisions of the Bye-laws in force in Bangalore City Municipality, all Industrial Concerns using power have to obtain licenses from the City Municipality on payment of the prescribed fees and there is no provision in the said Bye-laws to exempt your Mills from ob taining the License therefor and from paying the fees prescribed therein It is also seen that the owners of the small Industrial Concerns in the City have been accordingly paying the said license fee

In these circumstances, I am to request that arrangements may kindly be made to pay off the arrears due in this behalf to the City Municipality, without any further delay In case you feel that the present levy is in any way excessive, the matter may be taken up for further consideration with the Municipal Autnorities

Yours faithfully,

Sd) Syed Abdul Aleem
Secretary to Government,
Revenue Department

Memo No 2972/2.21.8 47

Copy of the above is forwarded, with compliments, to the Municipal Commissioner, Bangalore city for information & necessary adtion with reference to the correspondence ending with ~~your~~ letter No A8 C 678 dated 1-5-1947

By Order,

for Revenue Secretary to Govt

ML 69-46-7

The Bangalore Woollen, Cotton & Silk Mills Co, Ltd

Telegraphic Address
WOOLLEN BANGALORE.

Bangalore City 27th August *1947*

The Secretary
to the Government of His Highness
the Maharaja of Mysore,
Revenue Department,
BANGALORE

Sir,

We refer to your letter L 2969-71/ ML 69-46-6 dated 21st August 1947 drawing our attention to the fact that we have not yet obtained a licence in respect of power driven machinery On 22nd October 1940 we submitted a Memorial to the Government of His Highness the Maharaja of Mysore, Bangalore in which we pointed out our objections to the Bye-laws of the Bangalore City Municipality's levy of licence fees for electric motors installed in the Mills Government have not yet disposed of our Memorial and we therefore requested you on the 30th October 1946 to stay further action against us pending disposal of it

Yours faithfully,
for The Bangalore Woollen Cotton & Silk Mills Co Ltd.
For and on behalf of
BINNY & CO (MADRAS) LTD.

AGENTS SECRETARIES & TREASURERS

BP

MEMORANDUM

No MV/GL/2 42/47

Bangalore, September 2, 1947

TELEGRAMS CHAMUNDI BOMBAY & BANGALORE
TELEPHONE NOS { 2040 (MILLS) 2010 (OFFICE)

N SIRUR & Co LTD
MANAGING AGENTS
BOMBAY

From

MINERVA MILLS, LTD.,
BANGALORE
(Regd Office 70 Forbes St Fort Bombay)

To

The Revenue Secretary to the
Government of Mysore,
Bangalore

GEN & REV SECRETARIAT
5 SEP 1947
1355
SG BRANCH

Dear Sir,

We are in receipt of your letter No.L 2969-ML 69-46-6 dated the 21st August 1947 and note that you want us to pay off the arrears of licence fee for our electric installation due to the Bangalore City Municipality in accordance with the provisions of their bye-laws in force and negotiate with the Municipality for reduction in the rate of the levy for the future

This rather shows that the scope of our contention has not been correctly appreciated Our contention was not merely that the levy was onerous but that it was illegal and ultra vires of the powers of the Municipality This aspect has not been referred to in your letter at all. Nor did we claim any exemption from the levy

By our memorial dated 22nd October 1940, we submitted to the Government that the levy was ultra vires as stated above and that therefore, the Government should be pleased to vacate the Bye-law under which the levy is imposed and to stay all furtner action pending disposal of our memorial.

With reference to para 2 of your letter, we beg to point out with due respect that in an appeal to the Crown against an ultra vires act of a subordinate Administrative authority the subject should not be referred back for redress to such latter authority itself

p.t.o.

MEMORANDUM

No

Bangalore, 1/1/

194

TELEGRAMS CHAMUNDI BOMBAY & BANGALORE
TELEPHONE NOS { 2040 (MILLS) 2010 (OFFICE)

N SIRUR & Co LTD.
MANAGING AGENTS
BOMBAY

To

Page 2.

From

MINERVA MILLS, LTD.
BANGALORE
(Regd Office 70 Forbes St Fort Bombay)

We therefore submit that until the memorial is disposed of, there is no occasion for the enforcement of the said Bye-law and pray that you will order accordingly

Yours faithfully,

Secretary

THE MYSORE SPG & MFG. CO. LTD.

(Regd Office —70 FORBES STREET FORT BOMBAY)

Man[illegible]g Agents
N SIRUR & Co Ltd

Telegrams CHAMUNDI
Bangalore & Bombay
Telephone 2010

12981

Ref No MSM/AC/ 586/47

Bangalore 1st Septr. 1947

5 - SEP 1947
G. BRANCH

To
The Revenue Secretary
to the Government of Mysore,
BANGALORE.

Sir,

We are in receipt of your letter No.L 2969-71/ML.69-46-6 dated the 21st August 1947 and note that you want us to pay off the arrears of licence fee for our electric installation due to the Bangalore City Municipality in accordance with the provisions of their bye-laws in force and negotiate with the Municipality for reduction in the rate of the levy for the future.

This rather shows that the scope of our contention has not been correctly appreciated. Our contention was not merely that the levy was onerous but that it was illegal and ultra vires of the powers of the Municipality. This aspect has not been referred to in your letter at all. Nor did we claim any exemption from the levy.

By our memorial dated 22nd October 1940, we submitted to the Government that the levy was ultra vires as stated above and that therefore, the Government should be pleased to vacate the Bye-law under which the levy is imposed and to stay all further action pending disposal of our memorial.

With reference to para 2 of your letter, we beg to point out with due respect that in an appeal to the Crown against an ultra vires act of a subordinate Administrative authority the subject should not be referred back for redress to such latter authority itself

We therefore submit that until the memorial is disposed of, there is no occasion for the enforcement of the said Bye-law and pray that you will order accordingly.

Yours faithfully,
[illegible]
Secretary.

L10102-4/ML 69-46-8
6/10/47

To

1) The Secretary- Minerva Mills- Mg Bangalore

2) The Secretary- The Mysore Spinning & Manufacturing Co Ltd Bangalore

3) The Secretary- The Bangalore Woollen, Cotton and Silk Mills Co Ltd Bangalore

Subject- Taking out a license in respect of the power driven machinery from the Bangalore City Municipality and payment of fees prescribed in this behalf

S.v,

In reply to your letter no x dated x, on the above subject- I am directed to inform you that, after due consideration of all the aspects of the question, it has been decided that your Mills cannot be exempted from

obtaining license in respect of the power driven machinery and payment of the fees prescribed in this behalf by the Bangalore City Municipal Act, as already intimated in this office letter No 2967-71/M69-46-6 dated 21-8-47, as the same has been claimed in accordance with the bylaws approved by Govt under rules framed under the said Act.

2) Arrangements may therefore kindly be made to pay up the arrears due in this behalf to the Bangalore City Municipality.

Yr obedt servt

Memo No L1015/47-8 dt 6/10/47 for Revenue Secy 26/9/47

Copy sent to the Municipal Commr Bangalore City for information in continuation of this office memo No L 2972 dt 21-8-47

To
The Revenue Secy

Copy Bangalore Woollen Cotton & Silk Mills — Letter dt 27-8-47
Tyrae Sha & Manekji & Co — Ac 586/47 dt 1-9-47
The Minerva Mills — M 2/92-47 dt 2-9-47

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 10902-4/RL-69-47-8 *Dated Bangalore* 6th October

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Revenue Department.

To

The Secretary,
1) Minerva Mills, Ltd., Bangalore
2) The Mysore Spinning & Manufactur Ltd., Bangalore.
3) The Bangalore Woollen, Cotton & Mills, Co., Ltd., Bangalore.

Sir,

Subject:- Taking out a licence in respect of the p driven machinery from the Bangalore City i pality and payment of fees prescribed in s behalf.

In reply to your letter No. dated above subject, I am directed to inform you that, after due ation of all the aspects of the question, it has been decid your mills cannot be exempted from obtaining licence in res the power driven machinery and payment of the fees prescrib this behalf by the Bangalore City Municipal Council, as alr intimated in this office letter No.2969-71/111.69-46-6 dated as the same has been claimed in accordance with the byelaws by the Government under the provisions of the Mysore City M palities Act 1933.

2. Arrangements may therefore be kindly made t up the arrears due in this behalf to the Bangalore City Mun

Yours faithfully,

Sd/Syed Abdul
Secretary to Governm
Revenue Depart